Atty. Dkt. No. 030307-019

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

0 5 2004

Borge KRINGELUM et al.

Title:

METHOD FOR SUPPLY OF

STARTER CULTURES HAVING A CONSISTENT

**QUALITY** 

Appl. No.:

09/813,292

Appl. Filing Date:

03/21/2001

Examiner:

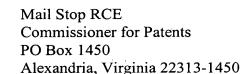
Ruth A. Davis

Art Unit:

1651

CERTIFICATE OF EXPRESS MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on indicated below Commissioner for Patents, PO Box 1450. Alexandria. Virginia 22313-1450. *5* , 2004 EV431598899US (Express Mail Label Number) (Date of Deposit) Jeanne M. Johnsor

## REQUEST FOR CONTINUED EXAMINATION (RCE) **TRANSMITTAL**



Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

- 1. Submission required under 37 C.F.R. §1.114: (check items that apply)
  - a. Previously submitted:
  - Please enter and consider the amendment/reply previously filed on March 5, 2004 .

-1-

	[ <b>X</b> ]	Please consider the Declaration of Borge Kringelum previously filed on
		March 5, 2004 but not considered.
	[]	Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on
	[]	Other
	b. Enc	losed are:
	[]	Amendment/Reply.
	[]	Affidavit(s)/Declaration(s).
	[]	Information Disclosure Statement.
	[]	Form PTO-1449 with copies of listed reference(s).
	[ ]	Other.
Miscell	aneous	:
	[]	Suspension of action of the above-identified application is requested under 37
		C.F.R. § 1.103(c) for a period of months.
The fili	ng fee i	is calculated below:

The filing i	fee is	calcu	lated	below:
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	Claims as Amended		Previously Paid For	Extra C Present			Rate		Fee Totals
RCE Fee 1.17(e):							\$770.00	=	\$770.00
Total Claims:	27	-	27	= 0		x	\$18.00	=	\$0.00
Independents	1	-	3	= 0		x	\$86.00	=	\$0.00
First p	resentation of	of any	/ Multiple I	Dependent C	Claims:	+	\$290.00	=	\$0.00
				Cl	LAIMS	FEE	TOTAL:	=	\$770.00

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

\$0.00	0	\$110.00	Extension for response filed within the first month:	[]	
\$0.00		\$420.00	Extension for response filed within the second month:	[]	
\$950.00		\$950.00	Extension for response filed within the third month:	[X]	
\$0.00		\$1,480.00	Extension for response filed within the fourth month:	[]	
\$0.00		\$2,010.00	Extension for response filed within the fifth month:	[]	
\$950.00		JBTOTAL:	EXTENSION FEE SU		
\$110.00	-	ADY PAID:	EXTENSION FEE ALREA		
\$840.00		EE TOTAL	EXTENSION FI		
\$1610.00		CLAIMS AND EXTENSION FEE TOTAL:			
\$0.00		[ ] Small Entity Fees Apply (subtract ½ of above):			
\$0.00		[ ] Suspension of action requested under 37 C.F.R. § 1.103(c)			
\$1610.00		TAL FEE:	TC		

- [ ] Please charge Deposit Account No. 19-0741 in the amount of -0 . A duplicate copy of this transmittal is enclosed.
- [X] A check in the amount of \$1610.00 to cover the filing fee is enclosed.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone:

(202) 672-5404

Facsimile:

(202) 672-5399

Jason E. Pauls

Registration No. 45,651, For

Stephen A. Bent

Registration No. 29,768 Attorney for Applicant